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15 **Attorneys for Plaintiff**

16 **UNITED STATES DISTRICT COURT**

17 **IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA**

18 **ZOHRAB BAHRIKYAN AS**
19 **BENEFICIARY OF HIS DECEASED**
20 **WIFE AMALYA SUKIASYAN;**

21 **Plaintiffs,**

22 **vs.**

23 **TRANSAMERICA LIFE INSURANCE**
24 **COMPANY; and Does 1-40, inclusive.**

25 **Defendants**

26) **CASE NO.: 2:22-CV-00894-MCE-DB**
27)
28) **PLAINTIFF ZOHRAB BAHRIKYAN'S**
) **NON-OPPOSED MOTION FOR**
) **ADMINISTRATIVE RELIEF TO EXTEND**
) **TIME TO FILE PLAINTIFF ZOHRAB**
) **BAHRIKYAN'S TIME TO RESPOND TO**
) **DEFENDANT TRANSAMERICA LIFE**
) **INSURANCE'S MOTION FOR**
) **SUMMARY JUDGMENT PURSUANT TO**
) **U.S. DISTRICT COURT LOCAL RULE**
) **233 (Fed.R. Civ. P. 6, 16 AND 78),**
) **DECLARATION OF KEVIN W. HARRIS;**
)
)

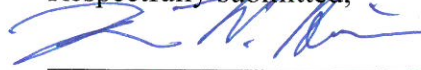
29 COMES NOW PLAINTIFF ZORAB BAHRIKYAN pursuant to U.S. District Court for
30 the Eastern District of California Local Rule 233 and Federal Rules of Civil Procedure 6, 16, and
31 78, to extend the time for Plaintiff Zorab Bahrikyan to file his responsive papers to
32 **DEFENDANT TRANSAMERICA LIFE INSURANCE COMPANY'S**
33 **NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT in**

the instant matter from the current due date of March 8, 2024 until March 29, 2024.

This Motion is Unopposed and is supported by the Memorandum of Points and Authorities and the Declaration of Kevin W. Harris as stated below.

DATED: February 29, 2024

Respectfully submitted,



Kevin W. Harris
Attorney at Law

MEMORANDUM OF POINTS AND AUTHORITIES

I. NECESSARY GROUNDS EXIST TO ALLOW THE BRIEFING SCHEDULE TO MODIFIED TO EXTEND TIME FOR PLAINTIFF'S COUNSEL TO FILE RESPONSIVE PLEADINGS TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant Transamerica Life Insurance Company, Inc. (hereinafter TLIC) filed their instant Summary Judgment Motion on February 23, 2024 for a hearing date scheduled for April 4, 2024. This Court subsequently took the hearing date off calendar, but maintained the briefing schedule. .

Plaintiff's Counsel Kevin W. Harris had previously been scheduled to start a jury trial on February 26, 2024 in Department 5 of this Court before the Hon. Senior Judge William B. Shubb which had the trial date vacated on February 23, 2023 due to Plaintiff's Counsel's Notice of Settlement on February 21, 2023 in that matter. The case is still pending due to finalization of the Settlement Agreement, but all witnesses had to be notified that they need not appear as the trial had been vacated.

In addition to the Vacated Trial, Plaintiff's Counsel Kevin W. Harris had been working on responding to a Motion for Summary Judgment previously set in *Agusiegbe v. State of California Department of Conservation, et al* Sacramento County Superior Court Case No. 34-2017-00214492 which is scheduled for a Settlement Conference on March 6, 2024, and has an Summary Judgment Date set for April 3, 2024. Plaintiff's Counsel has been diligently working on the response to that Summary Judgment Motion which includes responding to over 90

1 statements of Defendant DOC's Statement of Undisputed Facts and involves over 10 days worth
2 of depositions. In order to have a successful settlement conference all the issues in the Summary
3 Judgment Motion need to be addressed.

4 Plaintiff's Counsel also has a Settlement Conference set in Glenn County on March 13,
5 2023, on a Forefeiture Action, and a Mediation on March 14, 2024, involving an automobile
6 collision ,all of which require preparation time. All of these dates were scheduled prior to
7 Defendant TLIC filing their motion for Summary Judgment in this matter.

8 U.S. District for the Eastern District of California Court Rule 233 (MOTIONS FOR
9 ADMINISTRATIVE RELIEF) provides in relevant part, as follows:

10 "Miscellaneous administrative matters which require a Court Order may be brought to
11 the Court's attention thorough a motion for administrative relief. Examples of matters that
12 such motions may address includerequests to extend a response deadline; requests to
alter a briefing schedule..."

13 As such this Motion for Administrative Relief is one which is applicable to the instant request.
14 Plaintiff Bahrikayan is seeking to have the time to file Plaintiff's Responsive Documents in the
15 instant matter until March 29, 2024 to allo sufficient time for his attorney to prepare and file the
16 necessary documents in response to Defendant TLIC's Motion for Summary Judgment.

17 **II. POSITION OF THE PARTIES**

18 Plaintiff emailed Defense Counsel requesting that they stipulate in a motion for an
19 extension of time to respond to Defendant TLIC's Motion for Summary Judgment which the due
20 date would be on March 8, 2024, due to his trial schedule and the fact that he was working on
21 another Opposition for Motion for Summary Judgment which included mulitple witnesses and
22 over 90 Statements of alleged Undisputed Facts by the Defendants.

23 Defense Counsel responded that they were fine with giving the Plaintiff an extension of
24 time until March 29, 2024 to respond to their Motion for Summary Judgment. However, they
25 indicated that there was no need to file a stipulated motion to continue as Plaintiff's Counsel
26 could file a motion for administrative relief as an unopposed motion with their consent, but
27 would first need to see said motion. This motion has been provided to Defense Counsel and they
28

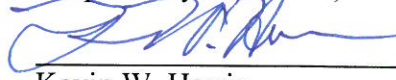
are unopposed to it.

Conclusion

For the foregoing Reasons, this Motion for Administrative relief allowing Plaintiff Zoharab Bahrikyan to have an extension in time to respond to Defendant TRANSAMERICA LIFE INSURANCE COMPANY's Motion for Summary Judgment to March 29, 2024. Defendant TLIC's Reply will be done no later than 10 days following Plaintiff's Opposition Papers pursuant to U.S. District Court for the Eastern District of California Rule 230 (d).

DATED: February 29, 2024

Respectfully submitted,



Kevin W. Harris
Attorney at Law

DECLARATION OF KEVIN W. HARRIS

I, Kevin W. Harris, am the attorney for Plaintiff Zoharab Bahrikyan in the instant matter, the following is true and correct and of my own knowledge, and I could and would testify thereto under penalty of perjury of the laws of the United States of America.

1. I had been preparing for a trial in the U.S. District Court in and for the Eastern District of California in the weeks prior to the trial Date of February 26, 2024, in *Jason Mack v. City of Sacramento*, (E.D. Cal) No. 2:18-CV-02863-WBS-DB to be heard in Department 5 before the Hon. Senior Judge William B. Shubb. Most of the trial documents had already been filed and witnesses were subpoenaed. On Friday, February 19, 2024, a settlement was agreed to pending the approval of the Sacramento City Council on February 21, 2024. On the next Court Day, I called the Court Clerk and indicated that there may be a settlement pending City Council Approval. After the City Council Approved the settlement, I filed a "Notice of Settlement" with the Court on February 21, 2024, and the Court filed an "Order Vacating the Trial Date" on February 21, 2024. We were still under obligations to finalize the settlement and this is still on going.

2. I had also previously been working with another client Vincent Agusiegbe who

1 had a response to a motion for summary judgment filed against him on or about January 9, 2024,
2 in Sacramento County Superior Court in *Vincent Agusiegbe v, State of California Department of*
3 *Conservation, et al.* Case No. 34-2017-00214492 which was voluminous and contained over 90-
4 Statements of alleged Undisputed Facts. I started to work more on the Agusiegbe matter with his
5 declaration and our responses to the statement of undisputed facts after February 19, 2024, as it
6 is scheduled for a Settlement Conference on March 6, 2024. In order to be effective at the
7 *Agusiegbe* Settlement Conference, I need to be able to address all the issues raised in the
8 Summary Judgment Motion. In Sacramento County Superior Court, the opposition to a Motion
9 for Summary Judgment is due 14 days prior to the hearing and has to be hand filed. The
10 *Agusiegbe* hearing is set for April 3, 2024. The *Agusiegbe* case involved the depositions of 12
11 witnesses other than my client who had multiple days of depositions. There is also several
12 thousand pages of documents involved. As such, I will not have the time to respond to the
13 Motion for Summary Judgment in the instant matter.
14

15 3. Additionally, I have a settlement conference on a matter in Glenn County on
16 March 13, 2024 and a Mediation on March 14, 2024 on an automobile accident.

17 4. If the date that my Client's Response to Defendant TLIC's Motion for Summary
18 Judgment is extended until March 29, 2024, I should have sufficient time to respond to said
19 motion.

20 5. Plaintiff emailed Defense Counsel requesting that they stipulate in a motion for an
21 extension of time to respond to Defendant TLIC's Motion for Summary Judgment which the due
22 date would be on March 8, 2024, due to his trial schedule and the fact that he was working on
23 another Opposition for Motion for Summary Judgment which included multiple witnesses and
24 over 90 Statements of alleged Undisputed Facts by the Defendants.

25 6. Defense Counsel responded that they were fine with giving the Plaintiff an
26 extension of time until March 29, 2024 to respond to their Motion for Summary Judgment.
27 However, they indicated that there was no need to file a stipulated motion to continue as
28

1 Plaintiff's Counsel could file a motion for administrative relief as an unopposed motion with
2 their consent, but would first need to see said motion. This motion has been provided to Defense
3 Counsel and they are unopposed to it.

4 Dated: February 29, 2024



Kevin W. Harris Declarant

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25 **Defendants**

26 **) CASE NO.: 2:22-CV-00894-MCE-DB**

27 **)**

28 **) ORDER APPROVING**

) PLAINTIFF ZOHRAB BAHRIKYAN'S

) NON-OPPOSED MOTION FOR

) ADMINISTRATIVE RELIEF TO EXTEND

) TIME TO FILE PLAINTIFF ZOHRAB

) BAHRIKYAN'S TIME TO RESPOND TO

) DEFENDANT TRANSAMERICA LIFE

) INSURANCE'S MOTION FOR

) SUMMARY JUDGMENT PURSUANT TO

) U.S. DISTRICT COURT LOCAL RULE

) 233 (Fed.R. Civ. P. 6, 16 AND 78)

)

)

29 **Havin reviewed and considered PLAINTIFF ZOHRAB BAHRIKYAN'S NON-**

30 **OPPOSED MOTION FOR ADMINISTRATIVE RELIEF TO EXTEND TIME TO FILE**

31 **PLAINTIFF ZOHRAB BAHRIKYAN'S TIME TO RESPOND TO DEFENDANT**

32 **TRANSAMERICA LIFE INSURANCE'S MOTION FOR SUMMARY JUDGMENT**

33 **PURSUANT TO U.S. DISTRICT COURT LOCAL RULE 233 (Fed.R. Civ. P. 6, 16 AND**

78) and supporting documents, and good cause appearing, the time for Plaintiff Zoharab Bahrikyan to file any Opposing Documents to Defendant Transamerica Life Insurance Company's Motion for Summary Judgment is extended until March 29, 2024. Defendants Reply if any shall be filed ten (10) days after the opposition.

DATED: March 4, 2024


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE